

SINGLE BENCH

W152

3

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE
AT BILASPUR (CHHATTISGARAH)

Civil Revision No. 59 of 2006

Pusauram Satnami, aged 79 years

Son of Late Guhra Satnami

Resident of Village Kadar

P.S. Bhatapara

District Raipur (C.G.)

Petitioner
Plaintiff

VERSUS

(01) Ammudas, aged about 40 years

Son of Ram Alen Satnami

Resident of Village Kadar

P.S. Bhatapara

District Raipur (C.G.)

(02) Shriman Tahsildar Saheb

Bhatapara

District Raipur (C.G.)

(03) Chhattisgarah Shasan / State Of Chattisgarah

Through the Collector

RAIPUR (C.G.)

Respondents
Defendants

REVISION PETITION UNDER SECTION 115 OF THE
CIVIL PROCEDURE CODE, 1908

P.R. No. 1230/06
Presented by Shri. Smt. Kousha Samdhye
dated 28/4/06

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R. 59 सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>21.6.2006</u> <u>Civil Revision No. 59/2006</u> Shri Pawan Kesharwani, counsel for the applicant. Heard on admission. This is a revision filed under Section 115 of the Code of Civil Procedure against the order dated 3.3.2006 passed in civil suit No. 72-A/2006 by the Civil Judge Class-II, Bhatapara, whereby, an application filed under Section 80 (sub-section 2) C.P.C., praying to hold in respect of issue No. 7 that the said issue is deemed to have been decided earlier when the suit was not dismissed for want of necessary permission under sub-section 2 of Section 80 C.P.C., which was filed earlier without such an application, has been dismissed. Admittedly, in view of the new amendment in Section 115 of the C.P.C., now the position is settled that the civil revision against such orders would not be maintainable. Section 115 C.P.C. as amended by the Act 46 of 1999 does not permit now a petition being filed against such an order. The reason is that the order of the High Court passed either way would not have the effect of finally dispose of the suit or other proceedings. The exercise of revisional jurisdiction in such a case has been taken away by the substitution of proviso to Section 115 (1) C.P.C. by the said amendment Act 46 of 1999.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

C.R-59

मामला क्रमांक

सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the present case, if the revision is allowed, it shall not finally dispose of the suit rather it shall permit to continue the suit to reach finality. In the facts and circumstances of the case, this petition is not maintainable and the same is dismissed at the motion stage itself.	Sd/- Sunil Kumar Sinha Judge

Sunita

[पीछे देखिये]